

ORIGINAL

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FILED
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UNITED STATES DISTRICT COURT
BY: [Signature] CLERK

5
6 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

7 Thomas A. Dillon, Independent Fiduciary of
Employers Mutual Plans,

CV-N-03-0119-HDM-VPC

8 Plaintiff,

9 v.

**DEFENDANTS' OBJECTIONS TO
PROPOSED CASE MANAGEMENT
ORDER**

10 James Lee Graf; et al.

11 Defendants.

12 Defendants, Stetson Beemer Insurance Company and Tammi Desideri (collectively
13 "SBI") respectfully submit the following objection to the proposed Case Management Order
14 submitted by the Plaintiff in this case on July 30, 2003.

15 This Court's March 26, 2003 Order required Plaintiff to provide a copy of that Order to
16 each Defendant as it appeared in the case. A hearing was held July 23, 2003, wherein the Court
17 was informed that certain Defendants had not been provided the Order as required. This Court
18 ordered that all such Defendants immediately inform Plaintiff's counsel if they had not been
19 provided the Order. SBI had not, in fact, been served with the March 26, 2003 Order and,
20 pursuant to this Court's direction, provided notice to Plaintiff that day.

21 Part of the March 26, 2003 Order apparently required the Parties to submit a proposed
22 Case Management Order by July 31, 2003. Because SBI had not been served with the March 26,
23 2003 Order, SBI was unaware of this requirement.
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1 On August 1, 2003, SBI received a letter from Plaintiff stating that a proposed CMO had been
2 submitted to the Court, purportedly after being circulated for comments and review by defense
3 counsel. See July 30, 2003 letter from Robert Brace, Esq. (attached hereto as Exhibit A). SBI,
4 however, did not receive an opportunity to review the proposed CMO as indicated or to make
5 suggestions regarding the content thereof. SBI's preliminary review of the proposed Case
6 Management Order reveals several potentially objectionable areas of concern that it believes will
7 prejudice its ability to effectively defend itself. SBI specifically does not stipulate, join in or
8 ratify the proposed Case Management Order, which has been submitted to this Court, apparently
9 without the review, consent or stipulation of SBI and other Defendants. Accordingly,
10 Defendants request that the proposed CMO submitted by Plaintiffs on July 30, 2003 not be
11 considered and that SBI (and all other Defendants who have not been given proper notice or
12 opportunity to review the proposed CMO) be granted an additional two weeks to review and
13 comment on the proposed scheduling Order, which directly impacts the Defendants' ability to
14 manage their defenses.

15 DATED this 20th day of August, 2003.

16 GEORGESON, THOMPSON & ANGARAN

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1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I certify that I am an employee of GEORGESON, THOMPSON
3 & ANGARAN, CHARTERED, and that on August 20, 2003, I deposited for mailing, at Reno,
4 Nevada, a true copy of the attached document addressed to:

5 Robert L. Brace, Esq.
6 Hollister & Brace
7 1126 Santa Barbara Street
8 P.O. Box 630
9 Santa Barbara, California 93102

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23 Misty D. Sather
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EXHIBIT “A”

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July 30, 2003

RETIRED
WILLIAM A. BRACE
J. JAMES HOLLISTER III

Whitney J. Selert, Esq.
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100 West Grove, Suite 500
Reno, NV 89509

Re: Dillon v. Graf, et al.
Your clients: Tammi Desderi and Stetson-Beemer

Dear Ms. Selert:

As you know, the Initial Pre-Trial Conference for the above referenced matter will take place on August 26, 2003, in Reno, Nevada. This letter is written to provide you with materials relevant to that conference.

In an effort to ensure the preparedness of all parties to move forward with this case, on March 26, 2003, the Court issued an Order directing all parties to submit to the Court a Preliminary Report and Case Management Order on or before July 31, 2003. Pursuant to the Order referenced, on July 21, 2003, the undersigned circulated to all parties a draft Preliminary Report and a draft Case Management Order. All parties were directed to provide input as to those documents. The requested alterations and suggestions that were received by the undersigned have been incorporated. The final versions of the documents have been submitted to the court, and copies are attached hereto for your records.

I look forward to seeing you on August 26, 2003, in Reno.

Very truly yours,

HOLLISTER & BRACE

By 
ROBERT L. BRACE

RLB/mpd/sc
Enclosures

cc: Richard W. Horton
Thomas A. Dillon
Tammi Desderi and Stetson-Beemer file